

ENTERED

August 09, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KEITH COLE, *et al*,

§

Plaintiffs,

§

VS.

§ CIVIL ACTION NO. 4:14-CV-1698

BRYAN COLLIER, *et al*,

§

Defendants.

§

MEMORANDUM & ORDER

During the last 48 hours, this Court has had to convene two emergency hearings to address severe heat conditions in the LeBlanc prison unit of the Texas Department of Criminal Justice. The heat conditions are so severe that TDCJ should, on its own initiative, have taken immediate steps to redress these conditions as they affect all of the approximately 1200 inmates in the LeBlanc Unit.

The Court will instead limit itself to addressing the conditions as they affect the 37 members of the Class of heat-sensitive inmates. *See* Final Order and Final Judgment Approving Class Action Settlement and Attorneys' Fees ("Final Order") (Doc. No. 1188). For a description of the Class, and for the lengthy factual and procedural background of this proceeding, reference should be made to the Final Order and to the voluminous previous filings in this five-year old case.

Uncontroverted evidence has been adduced to show that temperatures vastly in excess of the maximum temperatures set forth in the agreed settlement of the case have prevailed for an undetermined length of time through an undetermined portion of the LeBlanc Unit, including those portions in which Class members are housed. Defendants have shown negligible interest in ascertaining the breadth of the problem, its likely cause, or the necessary remedies.

Accordingly, the Court finds and holds that Defendants are in breach of the Final Order.

The Court orders that:

1. The 37 members of the Class must be removed from the LeBlanc Unit prior to noon on August 10, 2019.
2. The members of the Class must be moved to premises that comply with the Final Order.
3. By no later than 11:00 a.m. on August 12, 2019, a responsible officer of TDCJ shall submit an Affidavit, subjecting himself or herself to penalty of perjury, confirming and describing compliance with this Order.
4. No member of the Class shall suffer any loss of status or any postponement of an applicable release date because of his transfer from the LeBlanc Unit.

IT IS SO ORDERED.

SIGNED this 9th day of August, 2019.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE